

# DEPARTMENT OF STATE

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REMARKS BY  
THE HONORABLE HENRY A. KISSINGER  
SECRETARY OF STATE  
TO THE US DELEGATION TO  
THE LAW OF THE SEA CONFERENCE  
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As you know, I regard this Conference as potentially one of the most significant diplomatic negotiations of our time. And at this session it has taken on an added aspect of urgency -- as we are called upon to help conclude a treaty before the pressure of events and contention places international consensus irretrievably beyond the grasp of the nations of the world.

I want to thank all the members of this delegation for your very hard work and your perseverance in dealing with a multitude of highly complex and momentous issues. I have followed the progress of your efforts daily. Thus I understand full well the many difficulties you are facing.

Owing to your efforts considerable progress has already been made in these negotiations. But we must acknowledge that forward movement has been accompanied by increasing tendencies in many nations towards unilateral actions that will make the task before us more and more difficult.

Despite, indeed because of these tendencies, it is imperative that this session make significant progress on all the remaining major issues still in contention. Our objective is to make possible a final session early next year to complete agreement on the text of the Law of the Sea Convention.

The United States has already made significant efforts in earlier sessions -- especially this spring -- to accommodate the interests of other states. This was made with the understanding that our interests also would be protected. There is a limit beyond which the United States cannot go in these negotiations. There are a number of proposals in the Conference which this Government could not accept and indeed our Congress would never ratify. These limits must be recognized if we are to obtain a widely acceptable treaty.

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Nonetheless, we are committed to continue to put forth every effort to cooperate with the other delegations to find reasonable and responsible ways to reconcile the many legitimate interests and concerns before us.

I have come to this session to underline the importance with which the United States regards this effort -- and to obtain a first-hand view of how we are progressing in these negotiations. We must determine how best we can use the remaining time available in this session to work towards a package agreement on all of the different main issues. I will be meeting with a number of the key Conference and delegation leaders from a number of countries representing various viewpoints, geographical as well as functional. I want to hear of their concerns directly, and to speak to them about our own.

Specifically, I will be meeting with the Conference leadership, including the Acting Conference President Minister Jans Evensen, to get their assessment of the present negotiating situation, how far we have to go, and how best to move forward. In my own discussions I will emphasize the need to move with as much speed as possible toward a final consensus acceptable to all major groups of states.

The problems we face must neither be magnified nor disregarded. These are difficult negotiations. But the problems we face must be measured against the costs of failure -- to all nations. If a mood of pessimism prevails we surely will not succeed. What is called for now is determination and a new creative effort.

In Committee I, we face these negotiation's most complex and contentious issues. Most important remains the question of deep seabed mining -- who shall do it, and under what conditions. The United States position is that an equitable solution should ensure that all states party to the Convention and their nationals have guaranteed access to seabed mining sites under fair conditions.

With that understanding, we could agree on the establishment of an "Enterprise" representing the Seabed Authority which would be able to, on its own, mine seabed minerals. Revenue sharing from all mining would go to the world community to be used primarily for economic development of the poorer countries. No other solution would be fair to the developing countries who desire to have an Enterprise which can exploit seabed resources and who want revenues from mining for needed economic growth.

In Committee II, the outstanding issue remains the high sea status of the economic zone. The solution to this difficult problem must

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ensure that the interests of the international community -- and those high seas freedoms which are reserved to that community -- are preserved in the Law of the Sea Convention for the benefit of all mankind. Only such a solution can balance the rights of coastal states over the economic resources of the zone while, at the same time, preserving the interests of the international community in crucial matters such as navigation.

In Committee III, a main goal of the United States is to preserve within the economic zone freedom for scientific research not directly related to the exploitation and exploration of resources within the zone. Only through open scientific research and the wide dissemination of its results throughout the world can the global community continue to probe the mysteries of our planet to better the lives and preserve the health of all. It would be most difficult for the United States to accept a treaty that would restrict the existing freedom of scientific research. The solution we seek would protect all countries through a balance of obligations and responsibilities; the freedom of scientific research in the economic zone would be guaranteed; coastal states could participate in such research and benefit from its results; and safeguards against marine pollution would be established. It is very doubtful, in my view, that we would be able to obtain the consent of Congress to this treaty unless it incorporated such a balance of rights and responsibilities.

Finally, with respect to dispute settlement, I believe there is a wide consensus that a binding and compulsory dispute settlement mechanism is crucial -- for both the deep seabeds and the economic zone. Only through such procedures can we prevent future conflict arising over differing interpretations of the Convention text.

I want you to know that this visit today will not be my last. I will return to this Conference later as we endeavor to achieve an overall agreement on the major remaining issues. It is imperative that all of us put forth our full effort to help bring about an equitable and acceptable treaty in the weeks ahead. Our determination, our skill, and our vision are vital if this great international effort is to succeed. And succeed it must, for no current diplomatic negotiation is more important for the long-term stability and prosperity of our globe.

The United States is determined to do all it can to help this Conference succeed. The problems are vast, but the possibility and the promise have never been more clear. And through reason, through responsibility, and by working together we shall succeed.

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